

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LAW & ORDER – Visakhapatnam District – Exchange of fire at Reserve Forest Area of Korukonda Cheruvu (V), Annavaram P.S. Limits, Chintapalli (M), Visakhapatnam District resulting in death of (4) Maoists - Magisterial Enquiry conducted by the RDO & SDM, Paderu - Entrustment of case to CBCID as directed by the NHRC - Orders – Issued.

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GENERAL ADMINISTRATION (L&O.I) DEPARTMENT

G.O.Rt. No. 2691

Dated:18-6-2013

Read the following:-

1. From the Joint Registrar (Law), NHRC, New Delhi Show Cause Notice dated 11-2-2013 in case No. 1171/1/21/2010-ED-DB-II-(SCN).
2. From the Superintendent of Police, Visakhapatnam District Letter C. No. 127/C1-SBX/2012, Dated 2-5-2013.
3. From the Joint Registrar (Law), NHRC, New Delhi, Lr.dated 15-5-2013 in case No. 1171/1/21/2010-ED-DB-II-(SCN).
4. Government letter No. 61/L&O.I/A2/2013-4, Dt. 29-5-2013.

ORDER :-

In the reference first read above, the Joint Registrar (Law), NHRC has informed that they have received an intimation dated 19-12-2010 from the Superintendent of Police, Visakhapatnam regarding death of four CPI Maoists in an encounter with Police on 17-12-2010 in the jurisdiction of Annavaram P.S., Chintapalli (M), Visakhapatnam District. He has further informed that pursuant to the Commission's directions, relevant reports have been received from the concerned authorities and the Commission on the material of record on 4-2-2013 inter-alia observed that the Commission notes that the family of the man who was killed, Kondamula Laxshmanarao, insisted that he had no connection with Maoists. The family of one of the three women who were killed, Rayapati Swarnalatha, did not acknowledge that she was a Naxalite. Though the other two women remained unidentified, the Commission finds from the magisterial enquiry that the Naxalites, in their newsletters, had named them as Jyothi, from Dantewada in Chattisgarh, and Santhi of the Andolu Village, apparently of Andhra Pradesh. The fact that the Naxalites only claimed two women cadres killed in this incident is strong circumstantial evidence that the other two persons were not associated with them. The Commission therefore found it disturbing that the postmortem established that entry wounds on Kondamula Laxshmanarao and on one of the three women had charring on them. This is proof that they were shot at contact range. The police have reported an encounter at long range, and while two women were indeed killed from a distance, the man and the third woman were not. The troubling implication of this is that two innocent passersby, who might have been at the wrong place at the wrong time, were captured by the police and thereafter executed in the mistaken belief that they were part of the Naxalite group that had fired on them and grievously injured one of their colleagues. The Commission therefore asked the Government of Andhra Pradesh to have a thorough enquiry conducted into this incident through the CBCID.

2. In the reference 2nd read above, the Superintendent of Police, Visakhapatnam has submitted his report stating that the deceased Ms. Rayapati Swarna Latha @ Nagamani D/o. Lotheru, 22 years, was a native of Julakallu Village of Piduguralla Mandal and worked in CPI Moist Party which is a banned organization as a member and various cadres in Bellamkonda Dalam from 2000 to 2007 in Guntur District. Later, she left Guntur District and went to AOB and attended party activities. Government announced a reward amount of Rs. 2.00 lakhs on her head as per G.O.Ms.No. 394, Dated 19-6-2008. She was accused in (6) Criminal Cases. The second deceased was identified as Mr. Kondemula Laxmana Rao, S/o. Rajanna Dora, 35 years, Batsara Village, Rollagedda Panchayat, Chitrakonda Mandal, Malkangiri District, Orissa. He has reported that, the exchange of fire between CPI Masoists and Police occurred on 17-12-2010 in the jurisdiction of P.S. Annavaram, Visakhapatnam District while police were discharging their legitimate duties, in which one Sri N. Mohan Reddy belongs to police party also received grievous injurious and concluded that, the points raised by the Commission be set aside and the interim relief for the next of kin of Kondamula Lakshmana Rao and Rayapati Swarnalatha may not be recommended under any circumstances by considering the facts in the interest of justice.

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3. In the reference third read above, the Dy. Registrar (Law), NHRC, New Delhi has informed that the above matter has been considered by the Commission on 2-5-2013 and requested to submit interim report from the CBCID on its enquiry by 30-5-2013. In the reference fourth read above, the NHRC was requested to grant two months time to furnish a report in the matter.

4. The Government after careful examination of the matter have decided to entrust the case to the Director General, CB,CID., for investigation into the circumstances leading to the said incident and to submit report to Government **immediately in a month** for taking further action. He is also requested to furnish an interim report on its enquiry to Government immediately.

5. The Director General, CB., CID., shall initiate necessary further action accordingly.

6. This order issues with the concurrence of Home (SC.B) Department U.O. No. 80/SC.B/A1/13-1, Dated 27-5-2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N. SIVA SANKAR
SECRETARY TO GOVERNMENT (POLL)

To

The Director General, C.B., C.I.D., Andhra Pradesh, Hyderabad.

Copy to :-

The Home (SC.B) Department.

The Director General of Police, AP, Hyderabad.

The Collector & District Magistrate, Visakhapatnam.

The Superintendent of Police, Visakhapatnam.

The Addl. Director General of Police, (Intelligence), AP, Hyderabad.

The Dy.Registrar (Law), NHRC, Copernicus Marg, New Delhi.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER (S.C)